

OFFICIAL – PLEASE ENTER**REMARKS****A. Summary**

Claims 1-20 are currently pending in the application. Claims 1-20 were rejected under 35 USC 103. No claims have been cancelled. No claims have been amended. The specification has been amended to correct minor typographical errors. No new matter has been added.

B. CORRECTIONS TO THE SPECIFICATION

Minor typographical errors were present in specification. The typographical errors have been corrected by the present amendment. Serial number information for referenced applications with attorney docket number E-907 and E-908 have been provided. No new matter has been added.

C. 35 USC 103 Rejection

In paragraph 2 of the Office Action, claims 1, 3, 7, 9, 11, 13, 17, and 19 were rejected under 35 USC 103(a) as being unpatentable over Thiel, U.S. Patent No. 6,035,291 (hereinafter Thiel).

In paragraph 3 of the Office Action, claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20 were rejected under 35 USC 103(a) as being unpatentable over Thiel (as applied to claims 1, 7, 11, and 17 in Paragraph 2 of the Office Action) in view of Manduley et al. U.S. Patent No. 5,778,348 (hereinafter Manduley).

The rejection of independent claims 1, 7, 11 and 17 will be responded to first.

D. Rejection of claims 1, 7, 11 and 17 in Paragraph 2 of the Office Action

Claim 1 is drawn to:

A method for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, comprising the steps of:

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- (a) determining the destination area for the package based upon its intended destination,
- (b) determining the service level supported by the carrier for the destination area,
- (c) determining a desired class of service for a package with respect to its delivery by the carrier,
- (d) based upon the determined class of service for the package, **determining a service column index value,**
- (e) based upon the service level supported by the carrier for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
- (f) **reading said delivery commitment information for the specified cell.**

(Emphasis added).

Claims 7, 11, and 17 contain similar language with respect to “service column index value and delivery commitment information.

E. Service Column Index Value

Regarding step d), Thiel was cited at Abstract, Figures 1a, 1b, 1c and 1d, col. 28 lines 65-67, and col. 29, lines 1-5). Step d) includes “determining a service column index value.”

The specification discusses the service column index value in numerous places, including at page 16, line 28 to page 17, line 12 reproduced as follows:

Next the service level for the specified destination area is determined by reading the corresponding value in the Destination Map. This is the service level which the carrier can provide for that destination regardless of the origin of the package. If the service level varies for that carrier depending upon the origin of the package, then additional destination maps are used with an origin map 32 (see Figure 5A) then being used to determine which destination map to use. Next the **service column index value is determined based upon the desired service as that desired**

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service is presented in the TokenID field 41 (see Figure 5B). The service column is shown in step 164. The service column then points to the particular service column within the delivery commitment matrix 44 while the service level determined from the destination map determines which row of the delivery commitment matrix to use. The intersection of these two defines a particular delivery commitment matrix cell such as cell 50' which is then used to retrieve the delivery commitment matrix for that particular delivery. See step 168.

(Emphasis added).

Applicants have reviewed the Office Action and citations to Thiel with respect to clause d) of claim 1. The Abstract does not provide any teaching, suggestion or motivation for Applicants' "service column index." Nor is there any teaching, suggestion or motivation of the "service column index" in Figures 1a-1d. Further, the citation to column 28, lines 65-67 through column 29, lines 1-5 states:

The stored carrier constellations can be matched with one another via the data line 24 to the personal computers. . . . After the postage meter machine FM is turned on, a communication request is formed in the aforementioned sub-steps in order to initiate an automatic communication with the data center dc, for example via modem 23, and in order to implement a corresponding data transmission for the updating the database as needed.

Applicants' respectfully note that they fail to see how Thiel provides any teaching suggestion or motivation for Applicants' **service column index value**.

Regarding claims 7, 11 and 17 for the reasons stated above with respect to claim 1 and "service column index value", Thiel does not provide any teaching, suggestion or motivation for the invention claimed in claims 7, 11 and 17.

Claims 3, 9, 13 and 18

Furthermore, for the reasons stated above with respect to claims 1, 7, 11 and 17 from which claims 3, 9, 13 and 18 depend respectively, Applicants respectfully

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note that claims 3, 9, 13 and 18 are not obvious in view of Thiel. Therefore, Applicants respectfully request that the 35 USC 103 rejection of claims 3, 9, 13 and 18 be withdrawn.

F. Delivery Commitment Information

Regarding clause f) which states "reading said delivery commitment information for the specified cell," paragraph 2 of the Office action, cites numerous sections of Thiel with respect to clause f).

Applicants' specification discusses the "delivery commitment information" in numerous places, including the passages reproduced as follows:

The delivery commitment system and method provides for resolution of carrier specific data with regard to delivery of packages by that carrier. A delivery file structure is disclosed which provides a mechanism to resolve the delivery commitments of a particular carrier with regard to delivery of a package based upon the selected origin for the package, the selected destination of the package, as well as the type of shipping service desired by the user, and carrier service level available based upon the desired destination. The delivery commitment system returns information concerning the desired delivery, including number of days to effect delivery, the latest time of delivery for the target date, whether the latest time of delivery is guaranteed by the carrier, as well as the availability of delivery on special days such as Saturday delivery, the time associated with such special delivery and whether such special delivery time is guaranteed. (Specification at page 2, line 9-21);

and

The delivery commitment system according to the present invention is the mechanism by which the shipping system server 22

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determines delivery commitment information for sending a package by a particular carrier. (Specification at page 5, lines 3-5).

Thiel does not teach Applicants invention including the **"delivery commitment matrix"** nor does Thiel teach **"locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired"** as is claimed in steps e) and f) of Applicants' claim 1 and reproduced as follows:

- (e) based upon the service level supported by the carrier for the destination area and the class of service desired, **locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and**
- (f) reading said **delivery commitment information for the specified cell.**

Thiel, at column 17, lines 25-67, was applied to clause f) of claim 1. Thiel column 17, lines 25-67 states:

FIG. 1c shows a table of comparable carrier services as an example of a possible embodiment of the stored data.

The user of the mail shipping system first determines what service requests are to be made of the carrier. To that end, the user enters the data about the delivery zone and the desired special services such as express delivery or return receipt with the keyboard of his personal computer. Given stacked post, the user likewise must entry the scope of individual mailings the stack will comprise. In a first selection step, a determination is made with the assistance of a mask as to what carriers offer the requested service

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profile at all. When, for example, a shipping into the delivery zone B ensues and when a return receipt is requested, only carriers 3 and 5 according to the above table in FIG. 1c proceed into the further selection. In a second selection step, a cost optimization is implemented taking the basic fee schedules B, the special services such as return receipt S and the disk count scale R into consideration:

$$B3+S3-R3=P3$$

$$B5+S5-R5=P5$$

The summed individual fees yield the postage fees P3 and P5 for both of the carriers 3 and 5 who have proceeded into the further selection.

In a third step, the postage fees P3 and P5 are compared and the most costbeneficial carrier is suggested to the customer of the postage meter machine as optimum carrier P(min). Given a letter quantity of 200 letters, the above example yields

$$P3=3.70 \text{ DM}$$

$$P5=4.55 \text{ DM,}$$

as a result

$$P3=P(\min) \text{ derives as the optimum carrier.}$$

(Emphasis added).

In addition to reviewing the above reproduced citation, Applicants have reviewed the other citations applied to claim 1 and fail to find any teaching, suggestion or motivation of Applicants' claim 1 including any teaching, suggestion or motivation of ", locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the

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specified service level and class of service desired” and/or “delivery commitment information for the specified cell”. In fact, Thiel appears to be focused on **“cost optimization”** whereas Applicants’ are claiming **“a delivery commitment matrix, . . . for the specified service level and class of service desired.”** Applicants’ specification does not appear to focus on cost optimization as an advantage.

Applicants’ respectfully note that they fail to see how Thiel provides any teaching suggestion or motivation for Applicants’ **“delivery commitment matrix.”**

Regarding claims 7, 11 and 17 for the reasons stated above with respect to claim 1 and **“delivery commitment matrix”**, Thiel does not provide any teaching, suggestion or motivation for the invention claimed in claims 7, 11 and 17.

Claims 3, 9, 13 and 18

Furthermore, for the reasons stated above with respect to claims 1, 7, 11 and 17 from which claims 3, 9, 13 and 18 depend, respectively, Applicants respectfully note that claims 3, 9, 13 and 18 are not obvious in view of Thiel. Therefore, Applicants respectfully request that the 35 USC 103 rejection (in view of Thiel) for claims 3, 9, 13 and 18 be withdrawn.

G. Rejection of claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20 in Paragraph 3 of the Office Action

Applicants have reviewed the other citations applied to claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20 and fail to find any teaching, suggestion or motivation of Applicants’ claim 1 including any teaching, suggestion or motivation of Applicants’ dependent claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20 which depend directly or indirectly from claims 1, 7, 11 or 17. The Office Action appears to be focused on Manudley’s **“rate table”** and states that Manduley “the service level supported by the

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carrier for that destination area as taught by Manduley et al. to save costs while ensuring quality by using carrier information." (Office Action page 4, paragraph 1 and paragraph 5). None of the citations, including the citation reproduced above provide any teaching, suggestion or motivation (even when combined with Thiel) for Applicants' claimed invention. Nowhere in either of the citations is there any teaching, suggestion or motivation for Applicants' **service column index value** or Applicants' **delivery commitment matrix**. As stated above with respect to the rejection of paragraph 2, Thiel does not provide any teaching, suggestion or motivation for the claimed invention. Furthermore, Thiel in view of Manduley also does not provide any teaching, suggestion, or motivation of Applicants claimed invention. Manduley's "**rate table**" simply does not provide any teaching, suggestion or motivation of Applicants' claimed invention even in combination with Thiel.

Claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20

Furthermore, for the reasons stated above with respect to claims 1, 7, 11 and 17 and for the reasons set forth with respect to the rejection of paragraph 3 of the Office Action, Applicants respectfully note that dependent claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20 which depend directly or indirectly from claims 1, 7, 11 or 17 are not obvious with respect to Thiel in view of Manduley. Therefore, Applicants respectfully request that the 35 USC 103 rejection of claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18, and 20 be withdrawn.

Official Notice

Regarding the Official Notice taken at pages 2 to 3 of the Office Action which states "that it is old and well know in the computer art to get the **advantage of saving costs** while ensuring quality service by using carrier information such as destination area, class of service, service level, delivery commitment information to determine the

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selected carrier. It would have been obvious to one of ordinary skill in the art at the time of Applicant's [sic] invention to include carrier information **to get this advantage.**" (Emphasis added). Applicants' respectfully note that their specification **does not discuss the advantage of saving costs** and therefore Applicants' fail to see the applicability of the Official Notice to the claimed invention. In Applicants' background of the invention Applicants' state that "maintaining delivery commitment information with regard to the shipping system according to the present invention provides for an **efficient mechanism for resolving carrier delivery commitments which may vary from carrier to carrier.** The particular **architecture and methodology provide for unique capabilities of the delivery commitment system.**" (Specification at page 2, lines 1-5, emphasis added).

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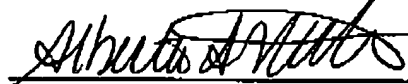
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Conclusion

In view of the remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,



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In the specification:

At page 2, please amend the two paragraphs, under the subtitle "Cross Reference to Related Application(s)" as follows:

Reference is made to U.S. application, Serial No. 09/411,092 (Attorney Docket No. E-907), filed on even date herewith entitled, A METHOD AND SYSTEM FOR ESTABLISHING PARCEL SHIPPING VIA THE INTERNET, assigned to the assignee of this application;

Reference is made to and U.S. application, Serial No. 09/411,524 (Attorney Docket No. E-908), filed on even date herewith entitled, A METHOD AND SYSTEM FOR MULTI-CARRIER PACKAGE TRACKING, assigned to the assignee of this application. The subject matter of each of these applications is hereby incorporated by reference.

At page 4, please amend the first paragraph, under the subtitle "Detailed Description" as follows:

The delivery commitment system and method of the present invention forms part of an overall shipping system and method as described in copending applications entitled Serial No. 09/411,092 filed _____ entitled, A Method and System for Establishing ~~Parcel~~ Parcel Shipping Via the Internet; and U.S. application, Serial No. 09/411,524 filed _____ entitled, A Method and System for Multi-Carrier Package Tracking, filed on the same date hereof and all owned by the present assignee and all incorporated by reference. As

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The delivery commitment system and method of the present invention forms part of an overall shipping system and method as described in copending applications entitled Serial No. 09/411,092 filed _____ entitled, A Method and System for Establishing ~~Parcel~~ Parcel Shipping Via the Internet; and U.S. application, Serial No. 09/411,524 filed _____ entitled, A Method and System for Multi-Carrier Package Tracking, filed on the same date hereof and all owned by the present assignee and all incorporated by reference. As

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best seen in Figure 1, this overall shipping system 20 comprises a shipping system server 22 and one or more users (senders) 26 which interact with the server by means of the Internet 24, typically through connection through an Internet Service Provider 28. Although a plurality of users at a single location are shown which are interconnected by a local area network (LAN) 30, the system also allows other users (e.g. user 26" and 26') to access the system. The shipping system server architecture is shown in Figure 3. As there seen, it comprises a client tier 60 for providing web based services, an application tier 62 for providing specific application functions to the user, and a groupware services tier 64 for storing proprietary data 74 and client data 76 and for providing E-mail services 100. The application tier includes application software component 80, 82, 84, 86, 88, 90 and 138 for performing various tasks. The delivery commitment function generally forms part of the rating component 80.

Please Amend the paragraph at page 8, line 12 to page 9, line 1 as follows:

If a particular requested service level does not have a carrier specified value service column index value associated therewith, such as for a TokenID value "a" (see reference numeral 139), then the service column index value is specified as "/0" (see reference numeral 140) and therefore in order to determine the delivery commitment use of zone information is required if such information is provided by that carrier. As seen in Figure 5A, the zone token values 47 are then used to access a particular row in the zone map 42 and this value when coupled with a received zone 46 (that is a value typically provided by the carrier which is usually based upon the origin and destination) allows the user to determine the delivery commitment information from the zone map 42. Thus, for instance, if the level of service "a" is desired by the user (see reference numeral 139), and if the zone for delivery of the package from the origin to the destination is zone 2, then the information in row 142

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is used to obtain the delivery commitment cell comprising the same fields as for the delivery commitment matrix; that is, the number of days field **144**, the delivery time field **146**, the guaranteed field **148**, the Saturday delivery allowed field **150**, the Saturday delivery time field **152**, and the Saturday delivery guarantee field **154**. In the example given, the values for these six fields is respectively one day, noon (12:00), ~~no~~yes guaranteed delivery, Saturday delivery allowed, Saturday delivery time of 4:30 P.M. (16:30) and Saturday delivery not guaranteed.

In the claims:

No Amendments have been made to the claims.

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